

ATTACHMENT

Enforcement

State actions to date: In April of 1979 Duane Marine's temporary operating authorization from NJDEP expired. Following this, the City of Perth Amboy brought suit against the company seeking to have it cease operation. NJDEP intervened in this suit and on July 31, 1979 a consent order was entered into where Duane Marine was permitted to continue operating provided that it would take action to improve its operation and begin handling the wastes it stored in an environmentally sound fashion. Duane Marine failed to comply with the conditions of this consent order.

Following the fire at Duane Marine, the company's attorney informed the court that the company had no interest in continuing operations on the premises. The court ordered the company to undertake an immediate cleanup. The company failed to comply with this order as well. On July 31, 1980 the New Jersey Attorney General's Office filed an application seeking compliance with the previous order. Subsequently, negotiations began between the State and Duane Marine's attorney. The negotiations have proved fruitless and Duane Marine has still not complied with previous orders to clean up the property.

The State plans to begin cleaning up the site shortly, after which they plan to sue the company for three times the cost of the cleanup.

EPA actions to date: EPA has not yet taken any enforcement action against Duane Marine. Enforcement activities seem inappropriate, at this time, since immediate removal activities have already begun.